

State of California



Fair Political Practices Commission

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May 3, 1984

Assemblyman Steven Klute
State Capitol, Room 2016
Sacramento, CA 95814

RE: Advice Letter No. A-84-110

Dear Assemblyman Klute:

Thank you for your request for advice on the conflict of interest provisions of the Political Reform Act. During my telephone conversation with your assistant, she indicated that your wife is a professor for the University of California, Riverside. You asked whether you will have a conflict of interest if you vote on a bill affecting professors' salaries at the U.C. campuses.

CONCLUSION

You will not have a conflict of interest if you vote on a bill affecting professors' salaries at the U.C. campuses.

DISCUSSION

Government Code Section 87100¹/ prohibits a public official from making, participating in the making of, or using his official position to influence, a governmental decision if he knows or has reason to know he has a financial interest. An official has a "financial interest" in a decision if it is reasonably foreseeable that the decision will have a material financial effect on:

¹/ All statutory references are to the Government Code unless otherwise noted.

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(c) Any source of income . . . aggregating two hundred fifty dollars (\$250) or more in value provided to . . . the public official within 12 months prior to the time when the decision is made.

(Section 87103.)

Ordinarily, a spouse's employer is a source of income to an official. (Government Code Section 82030.) However, when a spouse is employed by a governmental entity, such as the University of California, the salary she receives is not considered to be income under the Act. (Section 82030(b)(2).) Therefore, you are not prohibited from voting on a bill which may increase your wife's salary.

If you have any additional questions, please feel free to contact me at (916) 322-5901.

Very truly yours,

Janis Shank McLean
Janis Shank McLean
Counsel

JSM:nrw